

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency  
Washington, DC 20250

Notice FLP-64

1910-A, 1924-B, 1951-S,  
1962-A

**For:** State and County Offices

**Communications with *Pigford* Class Members**

**Approved by:** Acting Deputy Administrator, Farm Loan Programs



**1 Overview**

**A**

**Background**

Notice FLP-26 provides guidance for State and County Offices when the media or farmers call with questions concerning the Consent Decree in *Pigford, et al. v. Glickman*. However, it has come to our attention that some FSA employees may think that they are not permitted to speak to class members, or potential class members, at all.

**B**

**Purpose**

This notice provides direction to field offices regarding dealings with borrowers who are class members, or potential class members, in *Pigford, et al. v. Glickman*.

**C**

**Contact**

If questions:

- County Offices shall contact the State Office
- State Offices shall contact Sam Snyder, LMD, or Mary Durkin, LSPMD.

**Disposal Date**

October 1, 1999

**Distribution**

State Offices; State Offices relay to County  
Offices

## 2 FSA Dealings with *Pigford* Class Members

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### A

#### Providing Customer Service to Pigford Class Members

A Consent Decree in *Pigford, et al. v. Glickman* was signed by Judge Paul Friedman on April 14, 1999. The Consent Decree:

- represents an agreement by the plaintiffs and USDA to resolve the lawsuit in a voluntary and mutually acceptable manner
- provides that class members may elect 1 of the following:
  - to have their claims resolved under a streamlined adjudication process, known as Track A
  - to have their claims decided by an arbitrator, known as Tract B
  - to "opt out" of the litigation and have their claims decided by the Department's Office of Civil Rights.

Notice FLP-26 remains in place when calls are received by FSA offices about the Consent Decree. This includes questions about either of the following:

- the Track A and Track B processes in general, or with respect to a particular class member
- involving any aspect of the status of a class member's claim.

However, State and County Offices must interact with class members the same as they would with any other customer on any of the following issues:

- loan applications
- loan servicing
- program participation
- anything else unrelated to their claims under the Consent Decree.

**Note:** This means that FSA employees may not refuse to speak with or assist class members when they come to a County Office to discuss matters unrelated to their claims.

Class members may continue to participate in FSA programs the same as other customers; that is, subject to the FSA regulations relating to program requirements. The only time that FSA should refer class members to class counsel is when the class member has questions about the Consent Decree or their claims under the Consent Decree.

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